

# MORGANTOWN PLANNING COMMISSION

## MINUTES

**6:30 PM**

**February 14, 2013**

**Council Chambers**

**MEMBERS PRESENT:** Peter DeMasters, Sam Loretta, Bill Petros, Carol Pyles, William Wyant, Ken Martis, Jennifer Selin, Tim Stranko

**MEMBERS ABSENT:** Michael Shuman

**STAFF:** Christopher Fletcher, AICP

**I. CALL TO ORDER/ROLL CALL:** DeMasters called the meeting to order at 6:30 PM and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

**II. GENERAL PUBLIC COMMENTS:** None

**III. MATTERS OF BUSINESS:**

**A. Approval of December 13, 2012 meeting minutes:** Martis moved to approve the minutes from the December 13, 2012 hearing as presented; seconded by Selin. Motion carried unanimously with Loretta, Pyles and Stranko abstaining due to their absence.

**B. Approval of January 10, 2013 meeting minutes:** Martis moved to approve the minutes from the January 10, 2012 hearing as presented; seconded by Petros. Motion carried unanimously with Selin and Stranko abstaining due to their absence.

**C. 2012 Annual Report:** Fletcher stated that West Virginia State Code requires the Planning Commission to submit an annual report to City Council concerning the operation of the Planning Commission and the status of planning within its jurisdiction. Fletcher explained that as in years past, Staff prepared the report and asked the Commission direction to submit it to City Council. Selin moved to accept the 2012 Annual Report as prepared and forward it to City Council; seconded by Pyles. Motion carried unanimously.

**IV. OLD BUSINESS:** None.

**V. NEW BUSINESS:**

**A. MNS13-03 / G & G Rentals / 359 Kingwood Street:** Request by G & G Rentals for a minor subdivision approval of property located at 359 Kingwood Street.; Tax Map 36, Parcel 172; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to subdivide the existing parcel into two equal parcels thereby creating an additional lot at 359 Kingwood Street. Addendum A of this report illustrates the location of the subject site.

The area of the existing parcel is approximately 8,610 square feet. The area for each of the proposed parcels will be approximately 4,305 square feet, which exceeds the minimum lot area standard of 3,500 square feet in the R-1A District. The lot frontage of the proposed new parcel along Winsley Street will be 63 feet, which exceeds the minimum frontage standard of 30 feet in the R-1A District.

The proposed subdivision line will create a rear setback encroachment for the structure at 359 Kingwood Street. A subdivision line established 20 feet from the rear of the 359 Kingwood Street structure, which would comply with the minimum rear setback standard in the R-1A District, would result in the proposed new parcel having a width of approximately 40 to 45 feet but an area of approximately 2,700 to 3,000 square feet.

DeMasters recognized the petitioner's representative, Lisa Mardis, of Project Management Services who stated that after reviewing the development pattern along the area and farther into South Park, it was obvious there are many non-conforming lots. From insufficient lot size to less than required lot frontages, there are also parcels within the block that contain more than one structure. Mr. Guminey would like to be able to mimic the adjacent block which is 417 and 352 Winsley, with plans to build a two-bedroom single-family structure on the property.

DeMasters asked if the lot line created a rear setback encroachment for the existing house at 359, and noted that the lot would not be big enough if done to the proper setback. Mardis confirmed.

Loretta referred to the drawings and asked for clarification on the driveway entrance. Mardis stated that the existing entrance for the existing structure would be located on the new parcel lot and two parking spaces would have to be created on the parcel that has the existing residence. Loretta asked Mardis if the driveway entrance would have to be moved. Mardis stated that the developers plan to tear down the garage and relocate the parking on the parcel with the residence and the driveway would be removed. Mardis said that if the developer builds on the other lot, then they will most likely come in off of Long Alley with the driveway. Loretta asked about the existing driveway and if it will be on the new lot. Mardis clarified that the existing driveway is on the new lot but will eventually go away with a new driveway, garage or a parking pad created on the lot that has the residence.

There being no further comments or questions by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being no public comments, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval of MNS13-03 with the following conditions:

1. That the detached garage must be razed and removed prior to recording the final subdivision plat; thereby mitigating the existing accessory structure from becoming a nonconforming structure as a result of its separation from the parcel on which its principal structure is situated.

2. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

DeMasters asked Fletcher if a variance is necessary for setback encroachments. Fletcher stated that no variances are required for the existing structure and that the Planning Commission has historically tried to avoid encroachments. Fletcher referred to the aerial photograph and noted the significance of the side yard and the house located to the far side of the lot. Fletcher stated that even if the house was located in the middle of the lot, the same amount of yard would exist.

Selin asked if the detached garage would be inspected prior to being razed and how to ensure that a plat is recorded before construction has started. Fletcher stated that the Planning Commission president has to sign the plats before they are recorded and Staff reviews all projects prior to obtaining a signature from the Planning Commission president.

Petros asked if the approval with the setback encroachment on the left lot is going to allow the lot on the right be developed with a similar setback. Fletcher stated that the frontage for the new lot will be facing Winsley so the challenge will be on the owner to develop a single-family house that fits the building envelope. The developer may have to go before the Board of Zoning Appeals for a setback encroachment for the new house on the new lot. Petros asked if he is correct in saying that the approval of one lot doesn't allow for the other one. Fletcher confirmed.

Selin asked if the petition was being presented in a positive manner because the lot size exceeded the requirement of minimum square footage. Fletcher confirmed and referred to the tax map and Parcels 180 and 181 that have an identical layout and therefore he would not characterize the proposed subdivision as introducing a foreign development pattern. Selin noted that it looked like the area above Parcels 175 and 176 appeared to have the same layout as well. Fletcher stated that Parcel 174, at the opposite end of the block on the corner of Kingwood and Watts, has four structures on all one Parcel.

Selin moved to approve minor subdivision petition MNS13-03 as requested with Staff recommended conditions; seconded by Stranko. Motion carried unanimously.

**B. MNS13-04 / G & G Rentals / 1424 Mayfield Street:** Request by G & G Rentals for minor subdivision approval of property located at 1424 Mayfield Street.; Tax Map 31, Parcel 89; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating that at approximately 12:00 PM on February 14, 2013, Lisa Mardis of Project Management Services advised Staff that her client decided to alter the proposed subdivision from the original plan by creating two (2) parcels rather than four (4) parcels. Specifically, the petitioner now seeks to subdivide Parcel 89 into two (2) parcels thereby creating one (1) additional buildable lot at 1424 Mayfield Street. Addendum A of this report illustrates the location of the subject site.

The area of Parcel 89 is approximately 15,625 square feet. The petitioner seeks to subdivide 45 feet (Mayfield Avenue frontage) by 78 feet to create a 3,510 square foot parcel at the corner

of Mayfield Avenue and Colmar Street. The remaining parent parcel will be approximately 12,115 square feet. The petitioner may seek to subdivide the remaining parent parcel to create an additional parcel in the future.

The two proposed parcels meet or exceed the minimum lot area standard of 3,500 square feet and the minimum lot frontage standard of 30 feet in the R-1A District.

DeMasters recognized the petitioner's representative, Lisa Mardis, of Project Management Services who stated that Mr. Guminey felt that fitting four lots into the area was too much and decided to carve out one piece of property that meets the minimum lot size and frontage standard.

DeMasters asked if all setbacks will be met after developing. Mardis confirmed.

Petros asked for clarification on the standard side setback requirement. Fletcher stated that the minimum side setback standard is 5 feet in the R-1A District.

There being no questions or comments by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval of MNS13-04 with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Stranko moved to approve minor subdivision petition MNS13-04 as requested with Staff recommended conditions; seconded by Wyant. Motion carried unanimously.

**C. MNS13-05 / Cheat Road, LLC / 1954 Hunters Way:** Request by Cheat Road, LLC, for minor subdivision approval of property located at 1954 Hunters Way; Tax Map 44, part of Parcel 34; B-2, Service Business District.

Fletcher read the Staff Report stating the petitioner seeks to subdivide approximately 620.69 square feet from the fifty-foot private right-of-way and add same to former Parcel 34 of Tax Map 44. Addendum A of this report illustrates the location of the subject site.

The purpose of the proposed subdivision is to accommodate a ground sign denied by the Board of Zoning Appeals on July 25, 2012 under Case No. V12-22 because it would have resulted in a nonconforming off-premise sign. The Board stated in its related findings of fact that:

"...it appears that alternative solutions may be available to locate the proposed ground sign on the site or modify the parcel boundary accordingly."

Staff encourages the Planning Commission to discuss the merits and practicability of removing a portion of the private right-of-way as requested rather than continuing the reduction in the width of said private right-of-way to its terminus at or near Deckers Creek.

DeMasters recognized the petitioner's representative, Lisa Mardis, of Project Management Services who stated that the former Sterling Faucet site is fully being developed and Goodwill has relocated on a part of that parcel in the last year. The building faces Deckers Creek. The parking is situated behind the dress shop. Mardis explained that she spoke with the managers of Goodwill, who then stated that the store receives constant questions and calls about where to park, or if the store is open. The managers are hoping a ground sign will help people locate the facility easier from Hunters Way and Earl Core road. The property is on a private access road and has a larger right-of-way than many public streets in the City. There are only access points to Goodwill and the service areas to the hotel at the proposed sign area.

Martis asked if "Tin Mill Crossing" owned the property. Mardis stated that Cheat Road, LLC currently owns the development. Martis asked if the land in which the current buildings are situated on, adjacent from the property, are owned or leased. Mardis stated that the lots are leased properties. Martis asked if the property would be leased as well and if the right-of-way will remain private. Mardis confirmed. Martis asked if every lease on the property is identical. Mardis stated that every lease is different but could not confirm that statement. Mardis handed out pictures that displayed a picture of the 600 square foot area

Martis asked when the company ownership had changed. Mardis did not know the answer to the question but did confirm that it was not a name change but rather an ownership change.

DeMasters asked if there was an improved road on the right-of-way. Mardis confirmed. DeMasters asked if any part of the improved road would have to be removed. Mardis stated that the area is already there and therefore nothing would have to be removed.

DeMasters asked if any utilities went along underground in the area of the proposed sign. Mardis stated that she did not believe any utilities were located at that area.

Selin referred to the drawings and asked where the edge of the developed property could be found. Fletcher stated that the edge is an existing curb. Selin asked if the sign would be in line with the existing curb and Fletcher confirmed. Selin asked if the sign would be okay from a safety perspective and inquired about how far to extend the subdivision, whether it would be to Deckers Creek or to the edge of the property.

Fletcher stated that when Goodwill went through the various processes for development, a ground sign was requested and denied. Since that time, there has been turn over with the design professions and contractors and what is built now is from an old site plan. Therefore, the sign was installed inadvertently. The professionals were notified and reminded that the variance was denied, in which they weren't aware of since they were working as a new team. When the Board of Zoning Appeals denied the previous variance request, they suggested for the petitioner to request a minor subdivision in the future to put the area on the Parcel for which Goodwill has been developed.

Fletcher suggested to equally reduce the width of the private right-of-way to its terminus.

Selin asked if changes would be made to the configuration of the island and could the area behind the island still be used for ingress and egress for the parking lot. Fletcher noted that the subdivision will not change the existing ingress or egress that has been developed. The subdivision would only take part of the private right-of-way and give it to another parcel so the

ground sign is on the same parcel as Goodwill. Both the parcel and the private right-of-way have the same owner.

DeMasters asked if Fletcher was suggesting to take the division equally so it remains uniform all the way down instead of doing a tiny carve out. Fletcher confirmed. DeMasters asked Mardis if the petitioner's representative agreed with the suggestion.

Mardis stated that the equal division had been discussed previously and the petitioner would be willing to accept the subdivision approval as such.

Martis asked if the right-of-way would still be wide enough for safety vehicles. Fletcher stated that the right-of-way would be a little under 30 feet and that most of the public streets have 25 to 30 foot right-of-ways with the actual widths being less.

DeMasters noted that a portion of the sign had already been constructed at that location inadvertently and it does not appear to create a danger or restrict access for emergency vehicles. Selin stated that the sign was never approved. DeMasters agreed but stated that the sign does not appear to be causing a problem currently.

Selin asked why the previous sign request was denied. Fletcher stated that it was not approved because it was not located on the same property as the Goodwill site. Selin noted that the subdivision request is to correct the already created sign. Stranko mentioned that they should correct it in a symmetrical manner.

Stranko stated that the former Sterling Faucet site is confusing and signage directions appear to be needed.

There being no further questions or comments by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval of MNS13-05 with the following conditions, based on the Commission's discussion concerning the symmetry of the right-of-way and the petitioner's agreement:

1. That subdivision boundary shall be extended in a southeasterly direction running parallel or very near parallel to the existing private right-of-way boundary thereby reducing the width of said private right-of-way to its terminus at or near Deckers Creeks.
2. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Stranko moved to approve minor subdivision petition MNS13-05 with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

- D. MNS13-06 / GCF, LLC / 469 Stewart Street:** Request by Lisa Mardis of Project Management Services, on behalf of GFC, LLC, for minor subdivision approval of property located at 469 Stewart Street; Tax Map 14, Parcel 447; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to subdivide Parcel 14 of Tax Map 447 into four (4) new parcels for the purpose of developing four (4) single-family dwelling units. Parcel 447 is currently vacant, with the exception of the garage foundation fronting Stewart Street, as the former house and garage structures have been razed. Addendum A of this report illustrates the location of the subject site.

Parcel 447 is approximately 16,289 square feet in area and has frontage along Crescent Street and Stewart Street. The following table provides the proposed subdivision details as illustrated on the petitioner's preliminary plat exhibit.

Proposed Lot	Area	Crescent St. Frontage
No. 3	4,242 sq. ft.	42 ft.
No. 4	4,200 sq. ft.	42 ft.
No. 5	4,116 sq. ft.	42 ft.
No. 6	3,731 sq. ft.	41 ft.

Each of the proposed parcels exceed the minimum lot area standard of 3,500 square feet in the R-1A District and minimum lot width of 30 feet.

DeMasters recognized the petitioner's representative, Brianna Lovell, of Project Management Services who stated the petitioner is requesting to subdivide an existing parcel to develop four new parcels. Each of the proposed lots will exceed the minimum lot requirements for the R1-A zoning district.

Martis noted that the surrounding houses are standard home types and asked if the planned houses will be in the form of townhomes or two-bedroom houses due to the narrowness of the lot. Lovell stated that plans are for single-family homes that are unattached.

Loretta asked which street would be the access street. Lovell stated that Crescent Street will be the access street.

Selin asked if the parking stall would remain. Lovell stated that the existing structures will be removed prior to development.

Wyant noted that Crescent Street would provide better access to the lots than trying to access from Stewart Street.

Pyles asked if the back side of the properties will face Stewart Street. Lovell stated that the houses will hopefully front Stewart Street.

Wyant stated that the lots facing Stewart Street are high above the street and the Crescent Street side is more direct. He would be surprised if they are built to access parking on Stewart Street.

Selin asked which way the buildings would orient. Lovell stated that it would be up to the Planner to decide.

DeMasters stated that the buildings would probably have a Stewart Street address, and if they have a garage in the back, then they could access from that point.

Fletcher stated that Staff intends to work with the developer in designing vehicular access from Crescent Street because it is significantly safer than the alternate.

Stranko noted that he thinks this is a great project to have single-family homes within walking distance to the University and the neighborhood is desirable.

DeMasters recognized the petitioner Doug Shepard of GCF, LLC, who stated that the project would be single-family homes. The lot won't be as exposed on the front because the lay of the land. Parking has been built in the rear with steps for safety, as it is on the corner of Stewart. The front of the existing parking stall is an old WPA wall. Plans include pushing a portion of the wall back 10 feet and they are hoping that MUB will let them punch underneath as they would like to keep the wall because it is in great shape. About 80% of the old garage site will be enclosed and used for green space. About 2% will allow for when the residents come down so they are not stepping onto Stewart Street. The design of the building will be similar to a townhome facade that includes double windows, sliding glass doors, 9 foot ceilings, with three bedrooms and 2.5 baths. The basements will be either crawl or full and used for storage.

Petros noted the plans show a sidewalk. Shepard stated that there isn't a sidewalk and he isn't sure why that was included in the plan. He explained that there is a grass right-of-way strip that extends to the wall and comes up about 6 feet. They plan to create a walking area on top before they are able to continue because there is a possibility they will have to punch through the wall several times. Shepard is hopeful they will only have to punch through once and then tie the sewer lines underneath with one line, but if that is not possible then they will adjust and do whatever is needed. The residents of the four houses would be kept to walking on the top to prevent them from walking onto Stewart and Highland. Trash will be picked up behind the units on Crescent and everything accesses to the rear for safety.

Petros asked if he is trying to encourage tenants to walk down Crescent Street. Shepard stated that the front of the buildings will have a walking area across all of the lots up high and therefore will go over to the existing stairway.

There being no further questions or comments by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being none, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval of MNS13-06 with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.



Stranko moved to approve minor subdivision petition MNS13-06 as requested with Staff recommended conditions; seconded by Loretta. Motion carried unanimously.

**E. MNS13-07 / Wright / 49 Sennett Street:** Request by Clover Wright for minor subdivision approval of property located at 49 Sennett Street; Tax Map 36, Parcels 301 and 302; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating the petitioner seeks to adjust the side boundary line separating Parcels 301 and 302 to complete a deed and boundary line agreement between the owners of the subject realty. Staff understands that the adjustment is necessary for the ownership transfer of Parcel 301 and to reflect the location of the principal structure at 49 Sennett Street on Parcel 301. Addendum A of this report illustrates the location of the subject site.

The proposed changes to the side parcel boundary appear to be minor in terms of compliance with the R-1A District minimum lot size and minimum lot frontage standards and should therefore be considered negligible.

Fletcher stated that the petitioner did notify Staff that he would not be present for the meeting and asked for representation.

Fletcher referred to the Plat in the staff report, noting that the proposed subdivision is swinging the gait of the property line and would only be a slight adjustment. The petitioner who owns the property to the right of the side boundary is selling the property and discovered the problem during the process.

There being no questions or comments by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition.

DeMasters recognized Mercedes Minana, buyer of 49 Sennett Street, who stated a closing was initially scheduled for January 31<sup>st</sup> and was delayed due to the boundary adjustment. Ms. Minana felt that the current sellers, Jesse and Clover Wright, have been challenged because they were in the process of trying to sell the house, then the neighbor moved in and had the property surveyed and the problem was brought to light. Prior to that, there was never an issue of encroachment because it was a vacant lot. Ms. Minana asked for the petition to be approved quickly as she is locked in with a specific interest rate and needs to complete the sale.

DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval of MNS13-07 with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Stranko moved to approve minor subdivision petition MNS13-07 as requested with Staff recommended conditions; seconded by Selin. Motion carried unanimously.

**VI. OTHER BUSINESS:**

**A. Committee Reports**

- Traffic Commission: No report.
- Green Team: No report.

**B. Staff Comments:**

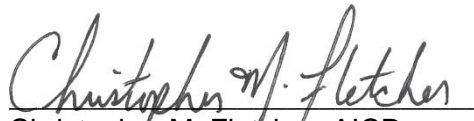
- Fletcher stated that the next Comprehensive Plan Steering Committee Meeting is scheduled for Monday, February 25, 2013 from 6:00 PM to 8:00 PM in the conference room at the Morgantown Municipal Airport Administration Building. There will only be two more meetings required from the committee. A link will be emailed to the committee members and will include the draft Plan with the areas that have been changed or modified in response to the public open house and comments received. The approval process under state code will also be explained.

**VII. FOR THE GOOD OF THE COMMISSION:** None.

**VIII. ADJOURNMENT:** 7:45 PM

MINUTES APPROVED:

COMMISSION SECRETARY:

  
Christopher M. Fletcher, AICP